

### **REMARKS**

The Office Action, dated October 28, 2008, has been reviewed and the Examiner's comments carefully considered. The present Amendment modifies claims 1, 7, 8, 38, 39, 40, 43, 50, 51, 81, 82, 88, 89, 119, 120, 127, 128, 158, 165, and 166 all in accordance with the originally-filed specification. No new matter has been added. Accordingly, claims 1-168 remain in this application, and claims 1, 39, 40, 43, 82 and 120 are in independent form. Applicant submits that the amended claims more clearly demonstrate the novel and non-obvious differences between the present invention and the cited prior art.

#### **Amended Claims Discussion**

The Applicant has carefully considered the references of the Examiner, as well as the telephone conference discussions of the Examiner. The Examiner indicated that the independent claims be amended to further clarify the role of the meeting planner client (or administrator) in terms of the relationship of the loading and processing steps of the program instructions at the central website server prior to any interaction of the role of the attendee client. Amended step b, with a new step c, now place more emphasis on the separate interaction of the role of the meeting planner client (or administrator) and the initial processes at the central website server by the virtual convention venue website program instructions for specifying a differentiated convention website. Process steps b. have been amended to address the loading process. Then, new process steps c. have been added to all independent claims depending on the appropriate form (i.e., plurality-basis form, means-basis language, or singular-basis forms). New step c of claims 1, 39, and 43 reads: "c. processing at the central website server by the virtual convention venue website program instructions using at least one of the plurality of convention activity policies to specify the processing flow for a differentiated convention website for the at least one convention from the plurality of conventions;" Similarly, new step c of claim 40 appropriately deals with the means-basis language, and new steps c. of independent claims 82 and 120 fittingly take care of singular-basis forms.

References to these new process steps c. can be found within the Applicant's published application US 2001/0014865 (hereinafter "application" or "specification"). In previously-filed responses in this application, which are incorporated by reference into this Amendment, Applicant has formerly presented many of the precise terms used in new

process steps c. - these include: “the central website server”, “virtual convention venue website program instructions”, “plurality of convention activity policies” (and “at least one convention activity policy”), “specifying”, and “a differentiated convention website”.

For specifications in terms of the newly-claimed “processing at the central website server by the virtual convention venue website program instructions using at least one of the plurality of convention activity policies to specify the processing flow for a differentiated convention website for the at least one convention from the plurality of conventions;” (emphasis added) within the new process steps c., please see col 5, paragraph [0092] of the Applicant’s published application where we read: “These program instructions 400 comprise the information input, processing and output procedures including but not limited to receiving queries, control parameters and content information from any of the three client types, processing in terms of differentiating and storing the information, and releasing appropriate and formatted information.” Extensive specifications of the meeting planner client support-program instructions 800 are found at col 13, paragraphs [0181] through [0198] of the Applicant’s published application. Specifically, at col 13, paragraphs [0185-0186] we read: “The details and content are requested through a series of submission forms and subsequent receipt by the program including: convention processing flow control parameters”. Finally, review of FIG. 4 at arrow 400 illustrates five sitemap flow diagrams specifications of the 500, 600, 700, 800 and 900 “program instructions” on the central website server (200). Review of FIG. 8 at arrow 800, as well as the detailed specifications, provides significant support of the amended claims in general, and newly-claimed step c in particular with respect to the interaction of the role of the meeting planner client (or administrator) and the process at the central website server by the virtual convention venue website program instructions, again prior to any interaction of the role of the attendee client.

Because of the newly-claimed steps c. of independent claims 1, 39, 43, 82, and 120 now includes and addresses the “to specify the processing flow for a differentiated convention website”, logical claim maintenance was performed on the immediately preceding claim steps b. in terms of strikethrough of the differentiated convention website terminology; plus, logical claim maintenance was performed on the succeeding new steps d. to reflect the precise processing of the newly-claimed steps c.

Further, as a logical consequence of the newly-claimed step c. added to independent claim 1, dependent claims 7 and 8 were accordingly amended to reflect the referenced step increase (i.e., from step c to step d; or, step d to step e). Similar amendments were made to dependent claims 50 and 51 of amended independent claim 43; to dependent claims 88 and 89 of amended independent claim 82; and finally, dependent claims 127 and 128 of amended independent claim 120.

Dependent claims 38, 81, 119 and 158 have been amended to add: “physical convention venue content information, virtual marketing center content information, or any combination thereof”. Support regarding the physical convention venue or virtual marketing center content information is found at least in the Abstract paragraph stating: “Thus, the system allows the creation of a “virtual convention venue” for conventions that exist only on the central website server (200) and available using the Internet (104). Additionally, the system supports and augments a convention being held in a physical or venue-based center (e.g., Moscone Center in San Francisco).”; and, at col 1, paragraph [0007] with “conventions, trade shows or meetings that meet their specific marketing and participation criteria” (emphasis added). These references and further details also provide in part the basis for amended dependent claims 165 and 166. Dependent claim 165 has been amended to add: physical convention venue activity policy, virtual marketing center activity policy, or any combination thereof. And dependent claim 166 has been amended to add: differentiated physical convention venue website, differentiated virtual marketing center website, or any combination thereof.

These above amendments to the Applicant’s claims are responsive to the Examiner’s citations and comments, and further demonstrate the novel and non-obvious nature of the presently-claimed invention.

### 35 U.S.C. §103 Rejections

Claims 1-164 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,343,313 to Salesky et al. (hereinafter “the Salesky patent” or “the Salesky system”) in view of U.S. Patent No. 6,332,135 to Conklin et al. (hereinafter “the Conklin patent” or “the Conklin system”). In view of the foregoing *Declaration*,

amendments to the claims, and the following remarks, the Applicant requests reconsideration of these rejections.

**A. §1.131 Declaration**

Under 37 CFR §1.131, the Applicant can remove a prior art reference from consideration by the Examiner by antedating the reference if the Applicant can show (a) that the earliest priority date of that reference is not more than one year prior to the Applicant's earliest priority date and (b) that the invention was conceived at least one day prior to the earliest priority date of that reference. With respect to the first requirement, the earliest priority date of the Conklin patent is November 16, 1998. Accordingly, the Conklin patent's priority date is not more than one year prior to the Applicant's priority date of December 30, 1998 or December 31, 1998. With respect to the second requirement, the Applicant herewith submits a *Declaration Under 37 C.F.R. § 1.131*, executed by the inventor, Paul D. Franke. Mr. Franke declares that he reduced to practice the claimed subject matter of at least the pending independent claims prior to November 16, 1998 and, in the alternative, conceived of the invention prior to November 16, 1998 and proceeded diligently to seek patent protection on the overall invention.

The *Declaration* includes Exhibits A-F as substantiating documentation:

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|-----------|----|---|
| Exhibit A | -- | press release entitled "SMI Announces ConventionNet <sup>®</sup> Web Site System" dated January 5, 1998;  |
| Exhibit B | -- | print-out of registration record from Copyright Office online registration database for ConventionNet <sup>®</sup> software dated March 20, 1998; |
| Exhibit C | -- | pages 337 and 341 from user manual publication entitled "Using Bureau 2000 <sup>®</sup> and Housing 2000 <sup>™</sup> Second Edition";            |
| Exhibit D | -- | copyright certificate for "Using Bureau 2000 <sup>®</sup> and Housing 2000 <sup>™</sup> Second Edition" dated March 23, 1998;                     |
| Exhibit E | -- | Customer License Agreement for ConventionNet <sup>®</sup> software dated March 13, 1998; and  |

Exhibit F      --      Software Engineering and Support Services Agreement for the  
ConventionNet<sup>®</sup> software dated March 13, 1998.

Applicant hereby incorporates the text of the *Declaration*. Support for the claim limitations of the independent claims will now be provided with reference to the aforementioned substantiating documents.

Exhibit A contains the following: “convention and visitors bureau (CVB) industry”, “web site application system”, “Internet processes”, “web meeting planner”, “web visitor information access”, “End-to-End, Internet-to-Database or Intranet processing”, “Internet pages and processes”, and “real-time interface to in-house CVB databases” (emphasis added). Please also note the statement: “Software Management, Inc. has been working for over a year planning and developing ConventionNet<sup>®</sup>.” The intended purpose of the claimed invention is set forth by the title of the underlying software, namely, ConventionNet<sup>®</sup>.

In March 1998, the assignee for the present invention, Software Management, Inc. signed their “Initial Client Site” licensee, the Convention & Visitors Bureau of Greater Kansas City, as seen in Exhibits E and F. With reference to currently amended independent claim 82, for example, what is claimed is: “A method for conducting, augmenting or any combination thereof at least one convention on the Internet, by facilitating the exchange between at least one meeting planner client and at least one attendee client, the method comprising the steps of”. In the description of the ConventionNet<sup>®</sup> software on the face of the Customer License Agreement (Exhibit E) it is stated: “over 100 web template pages:”, “web-based convention- or tourism-planner information access”, “web-based visitor information database access including visitor inquiry, calendar of event look-up”, “web-based membership management including search capabilities, publication and contact information/edit control”, “web-based convention housing property information and reservation processing”, and “Web-based Bureau Forum, a place where users can participate in interactive discussions – an active forum for exchanging information and ideas” (emphasis added).

Next, with respect to the limitations of: “receiving, from the at least one meeting planner client with a web browser computer, at a central website server for providing central website server system processing, at least one convention activity policy and

convention content information for the at least one convention”, on the front of Exhibit E it is stated: “web-based convention- or tourism-planner information access including on-line meeting/event” and “fill-in and capture”. Then, on the second page of Exhibit E under Paragraph 12, it is stated that the “internet client site web server” along with “This Internet server computer should be on the same network “backplane” (i.e., cable system) as the Bureau 2000® file server”. And, within Exhibit C, on page 337 support is found in terms of the claimed “at least one convention activity policy” with “Options – This drop-down list pulls from the Event/Options code set. It includes the Options you can offer to a registrant for an Event” (emphasis added). Additional documentation support in terms of ConventionNet® web-based application implementation of Bureau 2000 database interface points and departmental processes can be seen on the last page of Exhibit F in tasks “B)”, “C)”, and “D)”.

Next, in terms of the amended claim step “loading, at the central website server by virtual convention venue website program instructions, the at least one convention activity policy and the convention content information into at least one virtual convention venue database ~~for specifying a differentiated convention website;~~”, Exhibit A discloses Internet-to-Database”, “Internet pages and processes”, and “real-time interface to in-house CVB databases” (emphasis added).

Next, in terms of the amended claim step “processing at the central website server by the virtual convention venue website program instructions using the at least one convention activity policy to specify the processing flow for a differentiated convention website for the at least one convention;” please also see the above cited references. In addition, on page 341 of Exhibit C, it is stated: “Event Reg. Options – Select from the list of Options you built on the Event Maintenance screen. Only Options that were added to the Event on the Event Maintenance screen will be available” (emphasis added).

Next, with respect to amended claim step “after performing the loading processing of ~~the at least one convention activity policy and the convention content information of step [[b]]~~ c, receiving at the central website server from the at least one attendee client with a web browser computer a selection for convention content information of the at least one convention;” please also see the above references. Also, in the description of the ConventionNet® program on the face of Exhibit E, it is stated: “Web-based visitor

information database access including visitor inquiry, calendar of event look-up, on-line visitor guides and printable coupons.”

With respect to the final claim steps “processing the selection at the central website server by the virtual convention venue website program instructions using the differentiated convention website; and releasing from the central website server to the at least one attendee client the selected convention content information” please, again see all of the above references.

In view of the foregoing, the Applicant has antedated the Conklin patent. The obviousness rejections are no longer valid because the Applicant has sworn behind the Conklin patent which was an underlying reference used by the Examiner in the asserted obviousness combination rejections.

#### **B. Substantive Arguments Against the Cited Prior Art**

The Applicant has carefully reconsidered the references of the Examiner in light of the telephone conference discussions of the Examiner in July 2008. Per the suggestion of the Examiner, the independent claims have been amended to further clarify the role of the meeting planner client (or administrator) in terms of the relationship of the initial loading and now processes of the program instructions at the central website server - prior to any interaction of the role of the attendee client – thereby, further distinguishing and separating the claims of the Applicant from the references of the Salesky and the Conklin system.

On the whole, the claimed terms and processes of the Applicant’s system are significantly unlike the “computer conferencing system” terms and processes in the Salesky system, and unrelated to the “system and method for ordering sample quantities over a network” in the Conklin patent. In order to establish a *prima facie* case of obviousness, there must be a reason apparent to a person having ordinary skill in the art, to modify the reference or combine reference teachings, and there must be a reasonable likelihood of success in doing so. See MPEP § 2143; *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Respectfully, the Applicant further argues that the “client machines of the “communicants” (operating elements) necessary for the CSS server processes of the Salesky system would not work with the “sponsored commerce community” of the Conklin system,

which specifies that “Each sponsor or participant only needs a standard Internet browser such as those commonly available from Netscape Corporation or Microsoft Corporation” (col 17, lines 18-19, emphasis added) and that “no additional hardware or software needs to be installed at the sponsor’s site or at those of any of the participants” (col 17, lines 42-44, emphasis added). As documented on pages 40-45 of the Applicant’s December 12, 2007 Amendment of the present application in reply to the USPTO Correspondence of June 12, 2007, the Salesky system in all cases first initiates a unique communicants machine for the conferee with a relay and data block transformation software component in processing with and by the CSS. Therefore, it would be impossible topology-wise to combine the references in the manner suggested. In other words, the specialized computer of the Salesky patent – a required, software-unique and rigid network connection for operation with the CSS - would not work in the context of the Conklin system, or vice versa, without a major change in principle of operation. In particular, the remote authoring processes referenced by the Examiner in the Conklin system specifies that no additional software be installed at the computers of the participants; where, the Salesky system has installed additional and unique software at the computers of the participants for operations with its CSS. As specified in their respective patents, the required topology of the Salesky system would be inoperative in the topology of the Conklin system. The suggested combination by the Examiner of these references would require a substantial reconstruction and redesign of the elements shown in Salesky, as well as a change in the basic principle under which the Salesky construction was designed to operate. This is contrary to accepted patenting examination procedure in which the teachings of the references are insufficient to render the claims *prima facie* obvious if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified (*See* MPEP § 2143.01; *In re Ratti*, 270 F.2d at 813, 123 USPQ at 352).

Because there is no reason to modify or combine references in such a way, and there would be no success in doing so, there is a clear deficiency in maintaining a *prima facie* case of obviousness. Additionally, when interpreting the patentability of a claim, the law requires that a reference be considered for all of its teachings, including disclosure that diverges and teaches away from the invention at hand as well as disclosures that point toward and teach the invention. *In re Dow Chem. Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).



With these above principal arguments made known, the Applicant now turns to the Examiner's detail of paragraph 5 of the present Office Action, where the Examiner first cited several references from the Salesky patent that allegedly suggest the features of the independent claims of the application. Almost all of the citations have been documented, addressed and argued in previously-filed responses in this application, which are incorporated by reference into this Amendment. The Applicant takes specific note of the Examiner's presently modified reference (servMgr, 14, fig 11, col 29, lines 43-67). The Applicant has previously responded to this specification area of the Salesky patent – including Fig. 11, servMgr 'InfoPass', MeetMgr, server manager 36, meeting manager 32, and many references within cols 29 and 30 in significant technical detail. These responses can also be found on pages 40-45 of the Applicant's December 12, 2007 Amendment. The discussions and responses within the December 12, 2007 Amendment continue to be applicable in terms of this present reference where the Applicant carefully observed and documented that both Meeting manager 32 and Server manager 36 (servMgr, 14, fig 11) of the Salesky patent are processes pertaining to the Communications session server (CSS) and the requirements that the Salesky system each time initiates a unique communicants machine for the conferee with a relay and data block transformation software component in processing with and by the CSS.

At this time, the Examiner references the Conklin patent at (fig 4a-4b, col 11, line 60 – col 12, line 13; col 14, lines 2-20) as possibly teaching, when viewed with the referenced motivation by Salesky at (14, fig 11, col 24, line 66 – col 25 line 10), the use of remote authoring templates to create a complete website for immediate integration and activation in the community. The Salesky citation used here has been documented, addressed and argued in previously-filed responses in this application, which are incorporated by reference into this Amendment. To further distinguish the Applicant's invention from the communication processes pertaining to the meeting manager 32 process and the server manager 36 process within the CSS of the Salesky patent, the Applicant's amended process step b and added new process step c make the distinctions of the processing in terms of using the meeting planner-loaded convention activity policy to specify the processing flow for a differentiated convention website for the at least one convention, prior to any interaction of the role of the attendee client (emphasis added). There is no such processing pertaining to the CSS anywhere within the Salesky or Conklin systems.

The Conklin reference fails to teach or suggest the prior claim limitations as well as the new claim limitations. First, Figure 4a “is a flow diagram of remote Web authoring of the present invention”, and Figure 4b “is a flow diagram of the customization of the remote Web authoring of the present invention” (col 16, lines 3-6). In detailed review of Figure 4a and Figure 4b Applicant notes that the “Remote Web Authoring” steps are only for the “Seller” participant (emphasis added). As shown in Figure 1g, it is also disclosed that that Remote Authoring is a process of the Seller; three participants – Seller, Sponsor and Buyer – and the “Remote Authoring” (emphasis is on Figure 1g) is solitarily within the “Seller Processes”. The role of the “Seller” participant of the Conklin patent in terms of the relationship of web authoring information concerning its products and services is not comparable to the role of the “meeting planner client” (or administrator) of the present Application in terms of the business job relationship or the tasks of the loading at least a portion of the plurality of convention activity policies and the convention content information, and using the at least one of the plurality of convention activity policies to specify the processing flow for a differentiated convention website for the at least one convention, as now claimed in new processing step c of the program instructions at the central website server – prior to any interaction of the role of an attendee client.

Next, the Examiner referenced col 11, line 60 through col 12, line 13 of the Conklin patent, where a background reference to a “beyond the mall concept” order-brokerage and payment-approval system is disclosed. The background paragraph specifically “entails a customized, specially programmed matching of participating companies’ computer systems to coordinate authorization and payment approval so orders flow between firms” (emphasis added), and that such “technology can cost millions and it can take as much as two years to program the computers and set up the necessary processing and equipment at all the participating company sites”. This referenced order processing example is corresponding to preceding introduction of the invention found at col 1 lines 4-8 of the Conklin specification where it is stated: “Background of the Invention. 1. Technical Field. This prior art relates generally to systems for conducting negotiations and more particularly to systems for ordering sample quantities over a network.” (emphasis added). This referenced paragraph does not address any Internet-based technical problems which were overcome by the Applicant’s computer-implemented invention - where central website user-interactive solutions of conducting, augmenting or any combination thereof at least one convention on

the Internet constitute the invention's technical character and contribution to the art. Hence, the referenced col 11, line 60 through col 12, line 13 of the Conklin patent teaches very different technical and subject fields than that of the Applicant's claimed invention and that of the Salesky patent.

Next, the Examiner referenced col 14, lines 2-20 of the Conklin patent. As noted above, again there is a citation to technology for "ordering sample quantities" (col 14, line 3) (emphasis added) which specifies different technical and subject fields than that of the Applicant's claimed invention and that of the Salesky patent. Further, it is stated: "allows a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community". The Applicant again takes note that the role of the "Seller" (emphasis added) participant of the Conklin patent in terms of the relationship of remote web authoring information concerning its products and services is not comparable to the role of the "meeting planner client" (or administrator) of the present Application in terms of the relationship of the loading, and new processing step c of the program instructions at the central website server prior to any interaction of the role of an attendee client. Further, Applicant asserts that the Seller participant using "Remote Authoring" within the "Seller Processes" of the Conklin system for "ordering sample quantities" teaches away from "An improved general purpose data-stream computer network transport system and, in particular, an improved desktop conferencing system" (col 1, lines 49-51) of the Salesky patent (emphasis added). There is no "seller" or "seller participant" in terms of the "seller process" or "ordering sample quantities" processes found in the Salesky system.

The present invention is directed to, among other things, the technology behind how the meeting planner client can, via virtual convention venue website program instructions, load a relational database with at least one convention activity policy and convention content information, and processing at the server using the at least one convention activity policy to specify a differentiated convention website, and how the virtual convention venue website program instructions use such a differentiated convention website. The database design and computer programming supporting the processes of receiving, loading, processing and using such a convention activity policy and convention content information is novel and requires nonobvious database fields and relationships, and processing steps.

### **CONCLUSION**

In particular, none of the prior art of record makes the distinction or discloses the claimed concept of the precise processing in terms of using the meeting planner-loaded convention activity policy to specify the processing flow for a differentiated convention website for the at least one convention, prior to any activity at the central website server from the at least one attendee client with a web browser computer. Notwithstanding Applicant's aforementioned arguments, because these underlying claimed aspects are not found in either the Salesky or Conklin patents, the overall obviousness rejection cannot stand.

The claimed invention solves many fundamental problems and introduces functions missing in early website work and patents, and is a significant contribution to the state of the art. For the foregoing reasons, none of independent claims 1, 39, 40, 43, 82 and 120, as amended, are anticipated by or rendered obvious over the prior art of record, whether alone or in combination. In particular, none of the Salesky or Conklin patents, nor any of the prior art of record teach or suggest the method and system for conducting a convention, as specifically set forth in these claims. There is no suggestion in any of the references cited by the Examiner to combine these references in a manner that would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claims 1, 39, 40, 43, 82 and 120 is respectfully requested.

Claims 2-38 and 159 depend either directly or indirectly from and add further limitations to independent claim 1 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 1. Claims 41 and 42 depend directly from independent claim 40, and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 40. Claims 44-81 and 160 depend either directly or indirectly from and add further limitations to independent claim 43, and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 43. Claims 83-119, 161 and 162 depend either directly or indirectly from independent claim 82, and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 82. Claims 121-158, 163 and 164 depend either directly or indirectly from and add further limitations to independent claim 120, and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 120. Therefore, withdrawal of the rejections of claims 2-38, 41 and 42, 44-81, 83-119 and 121-164 is respectfully requested.

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Notwithstanding the above substantive arguments, the Applicant requests that the Conklin patent be removed from consideration based on submitted *Declaration* and that the obviousness rejection be withdrawn. Accordingly, the Applicant deems claims 1-168 to be patentable over all of the prior art of record and in condition for allowance.

Respectfully submitted,

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